

March 7, 1974

PRESIDENT: Register your presence please. Will you please record your presence. Please record your presence. The Clerk will record.

CLERK: Quorum present, Mr. President.

PRESIDENT: The bill before us on General File..You have some reports.

CLERK: Reports read. Mr. President, a new bill 983A introduced by Senator Carpenter. Title read. That's all, Mr. President.

PRESIDENT: We are ready then to go to General File. First one to speak is..on LB354 ...Senator Nore. Senator Stahmer.

SENATOR STAHMER: Mr. President and members. I wonder if Senator Luedtke would yield to a question. Senator I was presented a letter that was handed out by Senator Carsten. And in it the man who sent this letter stated ~~that~~ under the LB354 that the first person to race to the Court House, be it saint or sinner, can open the bank box and take out the contents. Now is this true? And if it is true, how can that be changed?

SENATOR LUEDTKE: Well, in the first place I would just like to say that in most cases in Nebraska today where we have an individual dieing. Most of the properties owned in joint ownership. And there is nothing protects the State of Nebraska from collecting inheritance tax unless you have an honest citizen that brings an inheritance tax determination and the usual way.. the usual force for bringing in an inheritance determination is when they try to sell their real estate. Then they have to come into court, and many times this is many years later. Now in answer..in direct answer to your question. Whether they could go down to the bank box, they can go down to the bank box just like they can go down to the deposit box just like they can go down today. If they can get in there, if they are named on the deposit box, as most of them are, they can get in any way. There is no way that you can keep them out. We are not like Colorado where they put a seal on the box. And that is what they were suggesting. Now what 354 does do though, in this direction, Senator Stahmer, is that it does require the filing of an inventory when they the informal probate proceedings. Whether there is a will or whether it's under intestacy. And this was by the way Senator Carpenter's idea, that we got this out of our hearing out at Scottsbluff, when the matter of inheritance tax was raised by the County Attorney out there. Mr. President Senator Stahmer says he can't hear. You can't hear?

PRESIDENT: There's so much confusion. Let's please listen to the discussion.

SENATOR LUEDTKE: This matter was raised at our Scottsbluff hearing, and it was raised by the County Attorney and by County Board Members and it is a good question. And in fact, I would say this, that if there is one area in the State of Nebraska that needs an awful lot of cracking down on. It's in this area of getting the inheritance taxes that are due, because under joint ownership where they must report these things they are not reporting them, as I say unless they are forced to sell real estate. Which would be many many years down the line. Now in this particular case,